



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES

Wednesday, September 14, 2005

2005-0649 – Application for a Use Permit on a 6,810 square-foot site to allow medical office use and a Variance from Sunnyvale Municipal Code section 19.46.110 relating to access to parking spaces. The property is located at **608 East Fremont Avenue** in an R-0 (Low-Density Residential) Zoning District. (APN: 309-04-065)

In attendance: Charles Tseng, Applicant; Art Kushner, Neighbor; Helen Amick, Neighbor; Rob Amick, Neighbor; Sue Brendlen, Neighbor; Linda Dysart, Neighbor; Gerri Caruso, Administrative Hearing Officer; Ryan Kuchenig, Project Planner; Luis Uribe, Staff Office Assistant.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Ryan Kuchenig, Project Planner, The proposed project is to allow an acupuncture clinic within the R-0 Zoning District. Staff considers the clinic to be a medical office use which requires a Use Permit per Sunnyvale Municipal Code. If approved, other future medical office uses would be permitted. The applicant has indicated that most requirements listed for "Home Occupations" (Sunnyvale Municipal Code Section 19.42.110) would be met. The applicant has indicated that the business would request signage at a future date (maximum 4 square feet allowed through separate permit approval). The applicant does not expect more than three visitors or patients per day. The daily hours of operation shall be limited to 9am to 6pm per Condition of Approval #1F.

Additionally, the applicant requests a Variance from Sunnyvale Municipal Code Section 19.46.110 from parking requirements for the use. The applicant proposes a fifth parking space, as required for the office use, next to the uncovered spaces in front of the garage (4 spaces required for the single family home). Due to needed maneuvering area for the required spaces, staff cannot consider this fifth space unless a Variance from code requirements is approved. Staff does not recommend approval of this application.

Ms. Caruso opened the public hearing.

Charles Tseng, Applicant, received and reviewed a copy of the staff report. The applicant explained his reasoning behind applying for the Variance and Use Permit. It takes an hour and 15 minutes to cater to one customer.

Ms. Caruso stated that a business license will be required to run the business from the home.

Art Kushner, Neighbor, Stated that if a doctor's office is allowed in the area, it would change the feel of the neighborhood. Mr. Kushner is also concerned with signs and parking. He was also curious as to how customer traffic would be monitored.

Gerri Caruso stated that the applicant may apply for a home based business license and if the applicant meet's the qualifications they can still be approved even if the use permit is denied.

Helen Amick, Neighbor, stated that she has the same concerns as her neighbor and is worried that more businesses might show up if we approve this application.

Rob Amick, Neighbor, stated that he has the same concerns as the other neighbors.

Sue Brendlen, Neighbor, is concerned more about the safety of pedestrians and bicyclist.

Linda Dysart, Neighbor, stated the same concerns.

Robert Harms, Neighbor, stated the same concerns.

Charles Tseng, Applicant, stated that the future of the business in uncertain as far as growth is concerned. Mr. Tseng also stated that with a business license, customers may park on public streets and with approval of this application it will be possible for customers to park on the applicant's property.

Ms. Caruso closed the public hearing.

Ms. Caruso Denied the application.

Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 2:27 p.m.

Minutes approved by:


Gerri Caruso, Principal Planner